

FEDERAL BUREAU OF INVESTIGATION
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FOI/PA# 1330183-0

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FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 05/22/2002

To: Counterterrorism
Atlanta
Philadelphia

Attn: [redacted]
Attn: [redacted] Supervisor
Attn: [redacted]
SA [redacted]

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b7E

From: Phoenix

Squad 16

Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

scm

Case ID #: 266A-PX-NEW (Pending)

Title: OTIS O'NEAL HORSLEY,
dba THE NUREMBERG FILES;
AOT-DT-VIOLENT CRIMES

Synopsis: To immediately open case at Phoenix Division.

Full Field Investigation Instituted: 05/22/2002

Reference: [redacted]

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Details: On 05/22/2002, United States Marshall [redacted] telephonically contacted the reporting agent to advise of direct politically-motivated threats towards six United States (U.S.) District Court Justices of the Ninth Circuit Appeals Court. [redacted] explained that three of the judges, [redacted]

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[redacted] are Phoenix-based and are recent additions to an extremist anti-abortion list entitled the "Nuremburg Files." [redacted] explained that the Nuremburg Files list is posted on an anti-abortion website located at: www.christiangallery.com. [redacted] believes the addition of the judges names to this website is based on a recent reversal ruling of the Ninth Circuit Court of Appeals which was not in favor of the captioned subject.

For background, the Nuremburg Files were the idea of hardcore anti-abortion activist Paul deParrie of the group Advocates of Life Ministries (ALM). Unveiled at the American Coalition of Life Activists (ACLA) January 1996 conference, ACLA sent a hard copy of some of the files/names to Otis Neal Horsley, a skilled webmaster of anti-abortion sediment. As such, the Nuremburg Files website opened in January 1997.

REVIEWED FOR
[redacted] BY JAR

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To: Counterterrorism From: Phoenix
Re: 266A-PX-NEW, 05/22/2002

The Nuremburg Files have been considered by many as "hit list" of potential targets for anti-abortion extremists. Historically and currently, the list includes the names of over 200 individuals, to include doctors and providers, who provide abortion services nationwide. Approximately 200 more individuals are listed for judges, politicians, law enforcement, spouses, and abortion rights supporters. In many instances, addresses and photos are also included. In the case that no address and/or photo information exists, the website solicits such information for distribution. The christian gallery website, and its corresponding Nuremburg Files, continues to be maintained and operated by Otis O'Neal Horsley, an anti-abortion extremist currently living in Carrollton, Georgia.

The list is broken down by each particular state the list works in. Particularly alarming is the Nuremburg File "Legend" which explains the meaning for each listed color-coded name. Accordingly, names listed in "Black Font" are defined as individuals "working" in the abortion field. "Greyed-out Name" indicates an individual wounded. A "Strikethrough" name indicates a "fatality." All names are defined as "a complete list of all the people killed or otherwise maimed because of legalized abortion." Among many, two names with a "strikethrough" are David Gunn and John Britton, both medical doctors who were shot and killed by anti-abortion extremists.

Litigation against ACLA began in 1998 when abortion provider Planned Parenthood sued ACLA and others in district court for claims that the defendants violated the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. 1962 and on claims that the defendants conspired to violate the FACE act (Freedom of Access to Clinic Entrances), 18, U.S.C. 248. The plaintiffs charged that the ACLA and others engaged in "harassment, intimidation and threats of violence in order to cause violent acts and to drive plaintiffs out of business." To show such violations, the plaintiffs introduced as evidence three tactics of threatening communication used by the defendants to discourage them from practicing. The three tactics were the "Deadly Dozen" poster, which identified a specific abortion doctor as "WANTED", a poster of [redacted] and the "Nuremburg Files." The ACLA and defendants argued that the First Amendment shielded them from liability.

In February 1999, the case was brought before a jury in the U.S. District Court in Portland, Oregon. The jury found that the website, which contained the Nuremburg Files list, was not protected by the First Amendment and constituted "real threats" to the safety of the providers. The judge ordered that the

To: Counterterrorism From: Phoenix
Re: 266A-PX-NEW, 05/22/2002

website be permanently shut down and the plaintiffs were awarded \$107 million in damages. In March 2001, this verdict was overturned by the U.S. Ninth District Court of Appeals as they concluded that the anti-abortion activists, and Horsley's website, were protected by the First Amendment.

Upon this reversal, Planned Parenthood immediately asked the court to reconsider and on October 3, 2001, the Ninth Circuit withdrew its prior opinion and ordered the case be reargued. The case was reconsidered and on May 16, 2002, the members of the en banc court of the Ninth Circuit affirmed the \$107 million jury verdict and the district courts original injunction. In doing so, the court stated "activists' speech, posters and list of physicians on their Internet website were not protected as political speech under the First Amendment."

This final ruling brings us to the present day in which Horsley is dissatisfied with the courts ruling. Despite the affirmation of the original injunction, Horsley posted the names of six judges of the Ninth Circuit Court of Appeals. Horsley's website states: "Six Baby Butchering Judges Are Getting Added To The Nuremburg Files." Further review of the website identifies all six judges by name and location, three of which preside in Phoenix, Arizona

As the U.S. District Court in Portland has already determined, the Nuremburg Files list is considered a "true threat" for any listed individual. In his order and injunction dated February 25, 1999, which is now affirmed, U.S. District Judge Robert E. Jones stated "The Nuremberg Files (Trial Exhibits 7, 9) are a true threat to bodily harm, assault or kill one or more of the the plaintiffs." In addition, Justice Jones stated "I totally reject the defendants' attempts to justify their actions as an expression of opinion or as legitimate and lawful exercise of free speech in order to dissuade the plaintiffs from engaging in providing abortion services."

Phoenix Division requests that a full investigation be opened immediately.

To: Counterterrorism From: Phoenix
Re: 266A-PX-NEW, 05/22/2002

LEAD(s) :

Set Lead 1: (Adm)

COUNTERTERRORISM

AT WASHINGTON, DC

Read and Clear.

Set Lead 2: (Adm)

ATLANTA

AT CARROLLTON, GA

For information.

Set Lead 3: (Adm)

PHILADELPHIA

AT

For information.

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U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 266A-PX-71270

201 East Indianola Avenue

Phoenix, Arizona 85012

May 28, 2002

Dear United States Attorney Paul Charlton:

This letter confirms a conversation on 05/24/2002 between Assistant United States Attorney [redacted] and FBI Special Agent [redacted]. AUSA [redacted] declined prosecution in the above referenced case in which Internet threats to several District Judges were made by an individual residing in Georgia. AUSA [redacted] advised that if prosecution was possible, it should originate from the district in which the threats were made. As such, no further investigation will be conducted at Phoenix Division.

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Sincerely yours,

Guadalupe Gonzales
Special Agent in Charge



By:



Supervisory Special Agent

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266A-PX 71270-2
i:15g16 / [redacted] / scm 14803. LTR letter

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/28/2002

To: Counterterrorism
Atlanta
Philadelphia

Attn: [redacted]
[redacted] Supervisor
[redacted]
SA [redacted]

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From: Phoenix

Squad 16

Contact: SA [redacted]

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Approved By: [redacted] *JS*

Drafted By: [redacted]

scm

Case ID #: 266A-PX-71270 (Closed)

Title: OTIS O'NEAL HORSLEY et al;
dba THE NUREMBERG FILES;
AOT-DT-VIOLENT CRIMES

Synopsis: To close case at Phoenix Division.

Reference: 266A-PX-71270 Serial 1

Details: On 05/23/2002 Phoenix Division opened up a domestic terrorism case regarding Internet threats made to three Phoenix-presiding District Judges of the Ninth Circuit. These threats were made on an anti-abortion website located at: www.christiangallery.com and were part of a list called "The Nuremberg Files." Otis O'Neal Horsley is the sites webmaster and is believed to have made such threats in retaliation for a recent May 16, 2002 unfavorable ruling between Planned Parenthood v. American Coalition of Life Activists (ACLA).

On 05/24/2002, AUSA [redacted] declined prosecution in the above referenced case and advised that if prosecution was possible, it should come from the district in which the threats were made.

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As such, Phoenix Division will conduct no further investigation and will consider this case closed.

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[redacted] *love*
[redacted] *SSA*
[redacted] *6/1/02*
[redacted] *my*
[redacted] *266 A PX 71270-3*
[redacted] *i:/s916* [redacted] *15em-4802.ec*

REVIEWED FOR
BY JAR

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To: Counterterrorism From: Phoenix
Re: 266A-PX-71270, 05/28/2002

LEAD(s) :

Set Lead 1: (Adm)

COUNTERTERRORISM

AT WASHINGTON, DC

Read and Clear.

Set Lead 2: (Adm)

ATLANTA

AT CARROLLTON, GA

For whatever investigation deemed appropriate.

Set Lead 3: (Adm)

PHILADELPHIA

AT AT

Read and Clear.

♦♦

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(Handwritten mark)